

A decorative border consisting of two parallel red lines that form a rectangular frame around the text. The lines are slightly offset from each other, creating a layered effect.

# 2001 Annual Grievance Report to the Legislature

MICHIGAN SUPREME COURT  
State Court Administrative Office  
Friend of the Court Bureau

March 2002

## **2001 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE**

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The Friend of the Court Bureau, within the State Court Administrative Office, was created by the Michigan Legislature pursuant to the Friend of the Court Act (PA 294 of 1982). Among its duties, the Bureau is responsible for collecting data and information on local friend of the court operations. This includes information related to friend of the court grievances.

MCL 552.519(3)(d) requires the Bureau to compile and to annually issue a grievance report to the Legislature containing a summary of grievances received by local friend of the court offices. This grievance report indicates whether the grievances were resolved or outstanding. In fulfillment of this statutory requirement, each year the Bureau prepares and forwards a grievance report to the Legislature, and each friend of the court. This 18<sup>th</sup> Annual Grievance Report covers the period from January 1 through December 31, 2001.

In summary, 886 grievances were filed with friends of the court during 2001. This represents a 12.7% increase from the number of grievances filed during the preceding reporting year.

Grievances sometimes address issues that do not fall under the statutory grievance procedure, such as the substance of a trial court ruling, or a recommendation of the friend of the court, or an issue that is the responsibility of another agency. Even though the friend of the court accepts and responds to the grievance, these issues are considered non-grievable. A single grievance containing multiple complaints/issues may contain combinations of responses. For example, a single grievance could address both employee related and office procedures issues. The response could acknowledge in part some of the issues and find other issues to be non-grievable.

Friends of the court reported that 53.8% of the grievances contained complaints regarding support, 44.1% contained employee related complaints, 22.3% had "other" issues, 18.4% contained custody and parenting time complaints, and 5.5 % had gender based complaints. In the grievance report, responses to grievances are listed in four categories: acknowledged in full, acknowledged in part, denied, and non-grievable issue. As reported by friends of the court, 50 were acknowledged in full, 217 were acknowledged in part, 488 were denied, 30 are pending, and 101 were determined to be non-grievable issues.

## 2001 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE

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### GLOSSARY OF TERMS

**TOTAL FILED:** Number of grievances filed in each office during the reporting year of January 1 through December 31.

**PENDING:** Number of grievances left unresolved during the reporting year.

### GRIEVANCE RESPONSE:

**A/F** Acknowledged in full - merit in grievance.

**A/P** Acknowledged in part - merit in part of grievance.

**D** Denied - no merit in grievance.

**NG** Non-grievable - issue does not come under the grievance procedure.

**PR:** Pending response - number of grievances left unresolved during the reporting year.

**Dupl:** Duplicate - Same party filed a grievance on the same issue.

**SAME PARTY/  
NEW GRIEVANCE:** Same party filed a prior grievance dealing with items not addressed in current grievance.

### GRIEVANCE REGARDING:

**Employee:** Number of grievances filed which included an employee problem.

#### Office Operations:

**Support:** Number of grievances in which support related problems were at issue.

**Parenting Time:** Number of grievances in which parenting time problems were at issue.

**Custody:** Number of grievances in which custody concerns were at issue.

**Other:** Number of grievances in which other concerns such as change of domicile, locate activities, etc., were at issue.

### GRIEVANCE RESULTS:

**Chg. Policy/Ops.** Change in Office Operation - grievances resulted in change in office operation.

**Personnel Action** Grievances resulted in personnel or employee action.

**Footnotes:** A grievance may involve both an employee and office operations. Therefore, total grievances filed does not equal the total number of employee-related grievances plus the total number of office operation-related grievances.

A grievance may involve multiple issues that require the Friend of the Court to select combinations of responses. Therefore, the total number of grievances filed does not equal the total number of responses selected.

COUNTY	Grievance Comparisons and Totals							Grievance Response Catagory					Multiple Grievances		Grievance Type Catagory							Grievance Results		
	Caseload	2001 Total Filed	Total Filed Last Year	2001 Ratio to Cases		Number Pending 12/31	A/F	A/P	D	NG	PR	Dupl.	Same party new griev.	Empl	Supp	Par Time	Cust	Gend Based	Other	Chg Policy / Ops.	Pers. Action	No Action		
*ALCONA ALPENA, MONTMORENCY, PRESQUE ISLE	3,729	4.00	8.00	1.00	:	932.25	0.00	0	0	3	1	0	0	0	4	0	0	0	0	2	0	0	4	
ALGER	415	1	0	1	:	415	0	0	0	1	0	0	0	0	1	1	1	1	0	1	0	0	1	
ALLEGAN	4,784	22.00	21.00	1.00	:	217.45	0.00	2	4	15	0	0	0	0	14	13	2	1	1	1	0	3	18	
*ANTRIM, LEELANAU, GRAND TRAVERSE	5693	10	14	1	:	569.3	0	0	2	8	0	0	0	0	4	2	1	0	0	1	0	0	5	
*ARENAC, OGEMAW, ROSCOMMON	3,759	2.00	9.00	1.00	:	1879.50	0.00	0	2	1	0	0	0	0	1	2	0	0	0	0	0	0	2	
BARRY	3680	5	4	1	:	736	0	0	2	3	0	0	1	0	3	2	1	2	0	0	1	0	4	
BAY	7,645	3.00	4.00	1.00	:	2548.33	2.00	0	0	1	2	0	0	0	0	3	1	0	0	0	0	0	3	
BENZIE	850	2	2	1	:	425	0	0	0	2	0	0	0	0	2	0	0	1	0	0	0	1	1	
BERRIEN	17,038	16.00	2.00	1.00	:	1064.88	0.00	1	3	10	3	1	0	0	9	4	6	0	0	3	0	3	3	
BRANCH	3106	5	4	1	:	621.2	0	0	1	3	3	0	0	0	4	1	0	0	0	3	1	0	4	
CALHOUN	15,275	16.00	24.00	1.00	:	954.69	0.00	3	6	15	6	0	3	0	8	7	0	2	5	14	0	11	27	
CASS	4006	2	1	1	:	2003	0	0	0	2	0	0	0	0	4	0	0	0	2	2	0	0	2	
CHARLEVOIX	1,153	1.00	0.00	1.00	:	1153.00	0.00	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0	1	
CHEBOYGAN	1661	5	0	1	:	332.2	0	0	0	4	1	0	0	0	3	4	2	0	0	0	0	0	5	

COUNTY	Grievance Comparisons and Totals							Grievance Response Catagory					Multiple Grievances		Grievance Type Catagory							Grievance Results		
	Caseload	2001 Total Filed	Total Filed Last Year	2001 Ratio to Cases		Number Pending 12/31	A/F	A/P	D	NG	PR	Dupl.	Same party new griev.	Empl	Supp	Par Time	Cust	Gend Based	Other	Chg Policy / Ops.	Pers. Action	No Action		
CHIPPEWA	0	0.00	3.00	0.00	:	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
CLARE	2142	2	1	1	:	1071	0	0	0	1	1	0	0	0	0	2	0	0	0	0	0	2		
CLINTON	No Report	2.00	3.00	1.00	:	0.00	0.00	0	0	2	1	0	1	0	2	2	1	1	0	1	0	2		
DELTA	2243	3	5	1	:	747.6667	0	1	0	2	0	0	0	0	3	3	0	0	0	3	1	2		
**DICKINSON	No Report	0.00	1.00	0.00	:	No Report	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
EATON	6556	8	3	1	:	819.5	0	1	4	1	3	0	0	0	6	3	2	0	0	1	0	3		
EMMET	1,473	1.00	0.00	1.00	:	1473.00	0.00	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0		
GENESEE	43104	39	34	1	:	1105.231	0	1	2	36	0	0	4	5	23	19	9	2	2	22	0	39		
GLADWIN	1,305	3.00	0.00	1.00	:	435.00	0.00	0	0	2	2	0	0	0	1	2	1	0	0	0	0	3		
GOGEBIC	794	1	1	1	:	794	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0		
GRATIOT	2,622	4.00	2.00	1.00	:	655.50	0.00	0	1	3	1	0	0	0	3	2	0	0	0	0	1	3		
HILLSDALE	3457	3	1	1	:	1152.333	0	0	0	3	0	0	1	0	1	2	0	0	0	0	0	3		
*HOUGHTON, BARAGA, KENWEENAW	1,998	5.00	3.00	1.00	:	399.60	0.00	0	1	4	0	0	0	0	1	0	0	0	0	1	1	4		
HURON	1671	2	4	1	:	835.5	0	0	0	2	0	0	0	0	1	1	0	0	0	0	0	0		
INGHAM	19,178	42.00	29.00	1.00	:	456.62	0.00	7	5	29	2	0	0	1	8	27	5	13	0	1	0	18		

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IONIA	5,510	5.00	7.00	1.00	: 1102.00	0.00	0	0	4	1	0	0	1	1	2	3	1	1	0	0	0	5
*IOSCO, OSCODA	2703	6	4	1	: 450.5	0	0	0	3	3	0	0	0	4	3	2	0	1	1	0	0	2
IRON	568	2.00	0.00	1.00	: 284.00	0.00	0	0	0	1	1	0	0	0	0	2	0	0	0	0	0	1
ISABELLA	2667	4	1	1	: 666.75	0	0	1	0	4	0	0	0	2	1	2	0	0	1	0	1	3
JACKSON	13,282	13.00	18.00	1.00	: 1021.69	0.00	0	3	10	1	0	0	0	3	11	0	0	0	8	0	1	12
KALAMAZOO	18704	19	17	1	: 984.4211	0	4	9	4	2	0	0	1	8	11	4	0	1	0	1	8	10
KENT	34,262	88.00	68.00	1.00	: 389.34	5.00	3	17	54	9	13	1	7	19	51	6	3	7	40	0	0	83
LAKE	No Report	0	0	0	: 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LAPEER	6,021	22.00	16.00	1.00	: 273.68	0.00	2	1	18	1	0	0	2	11	9	3	0	0	4	0	2	20
LENAWEE	6672	20	11	1	: 333.6	0	0	7	14	2	0	2	5	12	8	3	0	1	6	0	0	20
LIVINGSTON	6,235	15.00	7.00	1.00	: 415.67	0.00	1	7	4	3	0	0	2	13	8	1	0	1	0	1	4	10
LUCE	372	1	0	1	: 372	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	1
MACKINAC	694	1.00	0.00	1.00	: 694.00	0.00	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	1
MACOMB	35674	45	55	1	: 792.7556	4	1	3	34	1	4	2	0	21	25	9	5	11	3	0	0	0
MANISTEE	1,458	3.00	4.00	1.00	: 486.00	0.00	0	0	2	1	0	1	0	0	3	0	0	0	0	0	0	3

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MARQUETTE	3,362	3.00	4.00	1.00	: 1120.67	0.00	0	0	1	2	0	0	0	1	3	1	0	0	0	0	0	0
MASON	1806	2	5	1	: 903	0	0	1	1	0	0	0	0	0	2	0	0	0	1	0	1	1
MECOSTA	2,878	1.00	3.00	1.00	: 2878.00	0.00	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0	1
MENOMINEE	1508	1	0	1	: 1508	0	0	0	1	1	0	0	0	0	0	0	1	0	0	0	0	1
MIDLAND	4,007	4.00	5.00	1.00	: 1001.75	0.00	0	1	2	0	0	0	0	2	0	3	0	0	1	0	0	0
MONROE	9237	5	4	1	: 1847.4	0	1	1	1	2	0	0	0	4	2	1	0	1	0	0	0	0
MONTCALM	4,975	3.00	2.00	1.00	: 1658.33	0.00	0	0	1	2	0	0	0	2	1	0	0	0	0	0	0	3
MUSKEGON	19255	9	14	1	: 2139.444	0	0	0	7	2	0	1	0	7	5	3	1	0	0	0	0	9
NEWAYGO	5,793	6.00	2.00	1.00	: 965.50	0.00	0	4	0	1	0	0	1	4	5	2	0	0	0	0	1	4
OAKLAND	50970	96	66	1	: 530.9375	0	8	23	42	10	15	11	22	76	40	9	1	8	5	1	10	71
OCEANA	5,793	1.00	2.00	1.00	: 5793.00	0.00	0	1	0	0	0	0	0	1	0	0	0	0	1	0	1	0
ONTONAGON	515	1	1	1	: 515	0	0	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1
OSCEOLA	1,945	1.00	1.00	1.00	: 1945.00	0.00	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	1
*OTSEGO, CRAWFORD, KALKASA	3660	6	10	1	: 610	2	0	2	0	2	4	0	0	0	0	2	0	0	2	0	0	0
OTTAWA	11,445	28.00	17.00	1.00	: 408.75	0.00	0	8	14	5	1	2	6	18	11	3	0	0	3	0	1	26

COUNTY	Grievance Comparisons and Totals						Grievance Response Catagory					Multiple Grievances		Grievance Type Catagory							Grievance Results		
	Caseload	2001 Total Filed	Total Filed Last Year	2001 Ratio to Cases		Number Pending 12/31	A/F	A/P	D	NG	PR	Dupl.	Same party new griev.	Empl	Supp	Par Time	Cust	Gend Based	Other	Chg Policy / Ops.	Pers. Action	No Action	
SAGINAW	24,366	14.00	14.00	1.00	: 1740.43	0.00	0	1	12	1	0	0	1	3	8	4	3	1	0	0	1	13	
ST. CLAIR	12127	10	10	1	: 1212.7	0	0	0	6	4	0	0	0	3	7	2	0	0	0	0	0	10	
ST. JOSEPH	4,055	5.00	9.00	1.00	: 811.00	0.00	0	0	3	2	0	0	0	0	2	0	0	0	1	0	0	5	
SANILAC	2885	1	3	1	: 2885	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	1	0	
SCHOOLCRAFT	571	0.00	1.00	0.00	: 571.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
SHIAWASSEE	5471	8	4	1	: 683.875	0	0	2	0	4	0	3	0	1	5	0	0	0	0	0	2	4	
TUSCOLA	3,611	3.00	5.00	1.00	: 1203.67	0.00	0	1	1	1	0	0	0	0	1	0	0	0	2	0	1	2	
VANBUREN	6067	27	31	1	: 224.7037	0	2	3	18	2	2	3	3	20	20	2	1	3	4	0	3	22	
WASHTENAW	17,937	18.00	20.00	1.00	: 996.50	2.00	3	3	9	4	3	1	2	19	8	8	4	0	4	2	2	11	
WAYNE	336173	179	159	1	: 1878.061	15	9	84	62	0	24	1	1	25	102	6	0	0	46	2	2	60	
*WEXFORD, MISSAUKEE	2,793	1.00	3.00	1.00	: 2793.00	0.00	0	0	1	0	0	1	0	1	0	1	0	0	1	0	0	4	
TOTAL	837364	886	786	1	: 945.1061	30	50	217	488	101	68	39	60	391	462	115	43	47	191	11	66	579	

\* Multi-county jurisdiaions.

\*\* Failed to submit grievance report for June-Dec. 2001.



**Attachment A: Grievance Form**

Original - Friend of the court/Chief judge/  
Citizen Advisory Committee  
1st copy - Grieving party (with response)  
2nd copy - SCAO (with response)  
3rd copy - Grieving party (on filing)

Approved, SCAO

**STATE OF MICHIGAN  
JUDICIAL CIRCUIT  
COUNTY**

**FRIEND OF THE COURT GRIEVANCE**  
☐ Friend of the Court    ☐ Chief Judge  
☐ Citizen Advisory Committee

**THIS SPACE FOR COURT USE ONLY**  
**CASE NO.:**  
**GRIEVANCE NO.:**  
**DATE RECEIVED:**

Friend of the Court address

Telephone no.

Plaintiff's name and address

**v**

Defendant's name and address

County: \_\_\_\_\_ This grievance is about

- ☐ employee(s).
- ☐ office operations.
- ☐ a decision based on gender rather than the best interests of the child.

STATEMENT OF GRIEVANCE:

Date

Your telephone no.

Signature

SEE INSTRUCTIONS ON BACK OF FORM

**Attachment B: Statute Describing Grievance Process**

**MCL 552.526. Grievance procedure**

Sec. 26.

- (1) A party to a domestic relations matter who has a grievance concerning office operations or employees shall utilize the following grievance procedure:
  - (a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
  - (b) A party who is not satisfied with the decision of the office under subdivision (a), may file a further grievance, in writing, with the chief judge. The chief judge shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the court shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
- (2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than biannually to the bureau. Each office shall provide public access to the report of grievances prepared by the bureau under section 19.
- (3) In addition to the grievance procedure provided in subsection (1), a party to a domestic relations matter who has a grievance concerning office operations may file, at any time during the proceedings, the grievance in writing with the appropriate citizen advisory committee. In its discretion, the citizen advisory committee shall conduct a review or investigation of, or hold a formal or informal hearing on, a grievance submitted to the committee. The citizen advisory committee may delegate its responsibility under this subsection to subcommittees appointed as provided in section 4a.
- (4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.
- (5) The citizen advisory committee shall examine the grievances filed with the friend of the court under this section and shall review or investigate each grievance that alleges that a decision was made based on gender rather than the best interests of the child.
- (6) If a citizen advisory committee reviews or investigates a grievance, the committee shall respond to the grievance as soon as practicable.
- (7) A grievance filed under subsection (3) is limited to office operations, and the citizen advisory committee shall inform an individual who files with the committee a grievance that concerns an office employee or a court or office decision or recommendation regarding a specific case that such a matter is not a proper subject for a grievance.

## **2001 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE**

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### **SUPPLEMENT:**

### **2000 Citizen Advisory Committee Report to the Legislature**

## **Citizen Advisory Committee Supplement**

### **State Court Administrative Office Friend of the Court Bureau 2001 Citizen Advisory Committee Report to the Legislature**

This report provides a historical perspective on citizen advisory committee legislation, court rules, and other factors that have impacted their development, as well as an evaluative summary of activities of the citizen advisory committees for 2001.

#### **Historical Perspective**

In 1996, Public Act 366 modified the Friend of the Court Act (MCL 552.501, et seq.) by establishing a citizen advisory committee (CAC) in each county. The legislation provided duties for the CAC as follows:

- “(a) Meet not less than 6 times annually. The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.
- (b) Review and investigate grievances [see Attachment A for State Court Administrative Office Grievance Form] concerning the friend of the court as provided in section 26.<sup>1</sup>
- (c) Advise the court and the county board on the office of the friend of the court's and the friend of the court's duties and performance, and on the community's needs relating to the office's services.
- (d) At the end of each calendar year, submit an annual report of its activities to the county board, court, state court administrative office, governor's office, and standing senate and house committees and appropriations subcommittees that are responsible for legislation concerning the judicial branch.” MCL 552.504a.

The legislation also called for the State Court Administrative Office(SCAO) to provide support for CACs (MCL 552.504(6)), to provide an evaluative summary of the activities and functioning of the committees, and to include identification of problems impeding their activities and functions (MCL 552.519(3)(d)(iii)).

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<sup>1</sup> Section 26 addresses procedures for handling friend of the court grievances, and for citizen advisory committee review of those grievances (see Attachment B).

## **Citizen Advisory Committee Supplement**

The SCAO, Friend of the Court Bureau (SCAO/FOCB), based on MCL 552.504(6) and with direction from the Supreme Court, provides technical assistance to citizen advisory committees. This includes the development of an informational brochure, and consultation regarding the implementation and operation of CACs with committee members, county executives and legislative representatives and other interested parties. The SCAO/FOCB has also developed annual reporting forms for use by CACs (see Attachment C).

Subsequent to the passage of Public Act 366 of 1996, two key issues impeding the implementation of CACs and their activities were identified. As in past years, many counties have been reluctant to implement CACs due to the added cost of the staffing and other support requirements (such as travel, copying, and other office expenses). Some have taken the position that they cannot implement an advisory committee unless costs are reimbursed by the state and on-site staff support is provided by the SCAO/FOCB. The bill's sponsor has indicated that it was not the intent of the legislation that the SCAO provide on site staff support for each committee or to provide reimbursement for other costs. In 1998, after initial discussions regarding options for increased support for committees, a supplemental appropriation bill (SB 994) was introduced to provide additional funding to enable the SCAO to develop a detailed operation manual and provide annual training for local citizen advisory committee members. That legislation was not approved, nor has any similar legislation been subsequently introduced.

A number of jurisdictions, as indicated later in this report, have chosen not to move forward with implementation of a citizen advisory committee, and many CACs which were formed have suspended their activities due to the funding issue.

A second issue that arose shortly after passage of 1996 PA 366 concerned limitations on access to friend of the court records. In 1999, PA 551 of 1998 became effective (see Attachment D ), and requires that the friend of the court office supply a random sample of grievances filed with their office (Attachment E; SCAO's recommendation for randomly sampling grievances). The Act further provides that a citizen advisory committee is allowed access to information regarding the procedures used by the office to carry out its responsibilities as defined by statute, court rule, or Friend of the Court Bureau policy or procedure; as well as access to information regarding the administration of the friend of the court office, including budget and personnel information. Public Act 551 of 1998 provides that information defined as confidential by supreme court rule, or information subject to confidentiality or suppression by court order shall not be provided to the citizen advisory committee. The Act makes it a misdemeanor for a citizen advisory committee member to disclose a record or other

## **Citizen Advisory Committee Supplement**

information determined to be confidential and further provides for an offending member's removal from the committee.

MCR 3.218, Access to Friend of the Court Records, was amended by the Supreme Court on December 7, 2000, and became effective April 1, 2001 (see Attachment F).

The amendment in part reads:

“A citizen advisory committee established under the Friend of the Court Act, MCL 552.501 et seq shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information; may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

When a citizen advisory committee requests information that may be confidential, the friend of the court shall notify the parties of the request and that they have 14 days from the date the notice was mailed to file a written response with the court. If the court grants access to the information, it may impose such terms and conditions as it determines are appropriate to protect the rights of a party or the well-being of a child.”

The amendments are consistent with changes made to the Child Custody Act, MCL 722.21 et seq. and the Friend of the Court Act, MCL 552.501 et seq.

## **Evaluative Summary**

The SCAO/FOCB was created by the Friend of the Court Act in 1982. In Public Act 366 of 1996 the SCAO/FOCB duties were expanded to require preparation of an evaluative summary of the activities and functioning of each CAC, the aggregate activities of all committees, and an identification of problems that impede the efficiency of their activities and functioning and the satisfaction of the users of the CAC services (MCL 552.519(D)(iii)).

The summary is divided into five sections: Summary of Activities for each committee, Summary of Activities for all Committees, Problems Impeding Efficiency, Table of Counties Who Did Not Submit Reports, and Conclusions.



## Citizen Advisory Committee Supplement

The SCAO/FOCB mailed out the reporting form to each county on November 9, 2001, for use by CAC members in meeting the statutory reporting requirement. The SCAO/FOCB surveyed friends of the court by telephone/FAX in counties who failed to submit a report or provide comments regarding the status of CACs. The majority of counties failed to form a committee. The following is the status of CACs in Michigan based on written reports, correspondence and the telephone survey:

- 29 counties formed CACs since 1997;
- 14 CACs are actively meeting (10 counties met at least six times per year as required by the Friend of the Court Act; Arenac, Livingston, Midland, and Oceana Counties were considered active counties although their reports indicated the committees met less than 6 times);
- 8 CACs reported 2001 activities to the SCAO/FOCB;
- 6 CACs were actively meeting but did not report 2001 activities; and
- 15 Counties formed CACs but are not actively meeting.

Many counties with established committees failed to submit a report. However, some of these counties provided written comments that indicated that there were three reasons for failing to report: 1) the CAC was not actively meeting during 2001 due to funding; 2) lack of business; and 3) vacant positions on the committee.

CACs in Arenac, Ionia, Kalamazoo, Jackson, Livingston, Midland, Oceana, and Saginaw filed reports. Annual reports submitted by the CACs are available upon request.

### A. Summary of Activities of Citizen advisory committees

**MCL 552.519 (3)(d)(i) requires “an evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each citizen advisory committee during the preceding year.”**

The following information included is based on the 8 CAC 2001 annual reports that were submitted to the State Court Administrative Office.

#### Arenac County

The Arenac CAC met 2 times in 2001. Minutes were submitted to the county board after each meeting. No grievances were randomly selected, nor were any grievances directly filed with the CAC. Technical assistance was provided to two

## **Citizen Advisory Committee Supplement**

citizens, one during the March 2001 CAC meeting and one during the September 2001 CAC meeting. A request for assistance was forwarded to the Arenac County Friend of the Court on behalf of one of the two citizens. Due to the failure to have a quorum, only two meetings occurred during the 2001.

### **Ionia County**

The Ionia CAC met six times in 2001. Minutes were submitted to the county board after each CAC meeting. The CAC advised the county board of the friend of the court's duties and performance by submitting an annual written report and appearing at board meetings. The committee determined that if 10 or fewer grievances were filed with the Ionia County Friend of the Court Office, then all the grievances would be reviewed (oppose to a random selection). Only five grievances were filed with the Ionia County Friend of the Court Office. No grievances were directly filed with the CAC.

### **Jackson County**

The Jackson County CAC met six times in 2001. Minutes of the meetings were submitted to the county board after each CAC meeting. Written reports were submitted to the county board on four occasions in 2001. CAC members appeared at county board meetings on two occasions. No grievances were filed with the committee, nor were any randomly selected. The committee did disseminate pamphlets that explained the CAC's responsibilities.

### **Kalamazoo County**

The Kalamazoo County CAC met 7-12 times. Minutes from the meetings were submitted to the county board three times during 2001. Subcommittees were created to review grievances. All grievances filed with the Kalamazoo County Friend of the Court were reviewed by the CAC. One grievance was filed directly with the committee. The CAC provided information to the public during committee meetings about information available at local legal clinics.

### **Livingston**

The Livingston County CAC met less than 6 times in 2001. Minutes of meetings were submitted to the county board after each CAC meeting unless no quorum was held. The committee met with the Livingston Friend of the Court and provided the board of commissioners with copies of written reports. The committee also provided the Chief Circuit Court Judge with correspondence regarding the Livingston County Friend of the Court's duties and performance. There was one formal and one informal hearing held by

## **Citizen Advisory Committee Supplement**

the committee in 2001 regarding the review of grievances. There were three grievances filed directly with the Livingston CAC.

### **Midland County**

The Midland County CAC met less than 6 times in 2001 (there was no quorum in May and July of 2001). No grievances were filed directly with the committee, nor were any randomly selected. No other services were provided by the Midland County CAC.

### **Oceana County**

The Oceana County CAC met less than 6 times in 2001 and made its minutes available to the county board after each meeting. A written annual report was submitted to the court and the county board of commissioners regarding the friend court's duties and performance. One grievance was filed directly with the CAC. No grievances were randomly selected. Informational brochures were given to all committee members for distribution.

### **Saginaw County**

The Saginaw County CAC met 7-12 times in 2001. The minutes were submitted to the county board after each CAC meeting. The CAC also reported the activities of the committee to the chief circuit court judge and county board through correspondence and meetings. A subcommittee was formed to review grievances. Six grievances were filed directly with the committee (two by the same individual). No grievances were randomly selected by the CAC.

## **B. Summary of the Activities of All Citizen advisory committees**

**MCL 552.519 (3)(d)(ii) requires “an evaluative summary, supplemented by applicable quantitative data, of the aggregate of all citizen advisory committees in the state during the preceding year.”**

The following summary is organized based on committee functions outlined in 1996 PA 366, and percentages are based on the number reporting: **Meetings** - *“Meet not less than 6 times annually. The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.” MCL 552.504a(1)(a).*

Four (50%) of the reporting committees indicated that they met fewer than the six times as required by the statute (Arenac, Livingston, Midland, and Oceana). Two CACs

## **Citizen Advisory Committee Supplement**

(25%), Ionia and Jackson met six times. The remaining two committees (25%) met between 7-12 times, (Kalamazoo and Saginaw).

All the CACs submitted meeting minutes to the county board of commissioners. The Midland CAC did not submit minutes on the two occasions because of no quorum. Five of the CACs (Ionia, Jackson, Livingston, Oceana, and Saginaw) provided annual written reports to the county board of commissioners.

The Ionia and Jackson CACs also informed the county boards on the friend of the court's performance by appearing at county board meetings.

### **Grievance Review and Investigation** - *"Review and investigate grievances concerning the friend of the court as provided in section 26," MCL 552.504a(1)(b)*

MCL 552. 526(4) requires the CAC to establish a procedure for randomly selecting grievances submitted directly to the Friend of the Court Office. The CAC is to review the grievance and the response from the friend of the court, and report its findings to the court and the county board. MCL 552. 526(5) directs the CAC to also examine grievances filed with the friend of the court that allege that a decision was gender based rather than the best interests of the child. Only Ionia, Kalamazoo, and Livingston reviewed grievances that were filed directly with friends of the court. Because there was such a low number of grievances, all three committees reviewed all the grievances filed directly with the friend of the courts instead of random selection. The Ionia CAC reviewed four grievances that addressed office operations and one grievance that alleged a decision was made based on gender bias rather than the best interest of the child. Thirteen grievances were reviewed by the Kalamazoo CAC. None of the grievances reviewed by the Kalamazoo CAC alleged a decision was based on gender oppose to the best interests of the child. The Livingston CAC, reviewed 28 grievances, eight alleged a decision was made based on gender rather than the best interests of the child.

Of the 45 grievances filed directly with the friends of the court, and reviewed by the three CACs, there were 23 support issues, 10 parenting time issues, five custody issues, and 14 issues considered "other." "Other" means the grievance was not considered a child support, parenting time, custody, or a gender based issue. Committee members expressed full agreement with the friend of the court for 19 (42%) of the grievances; disagreed with seven (16%) of the grievances; one evaluation is pending and the others were not evaluated. The CACs did not partially agree, with the friend of the court offices' decisions on any grievances.

MCL 552. 526(3) provides that a party to a domestic relations matter who has a grievance concerning office operations may file at any time during the proceedings the grievance in writing with the appropriate citizen advisory committee. Only three CACs (Kalamazoo, Livingston, and Saginaw) reported that grievances were filed directly with their committees. The total number of CAC grievances reported in 2001 was 10, which is an average of 3.3 grievances for the three committees that received grievances directly. The remaining five committees reported that no grievances were filed directly with their committees.

The issues addressed in grievances involved: support for 2 issues, parenting time for 3 issues, custody for 5 issues, gender based for 8 issues, and "other" for 3 issues. Of the grievances filed directly with CACs, committee members disagreed with five of the grievances; the others were not evaluated.

Based on their review of grievances submitted directly to the committees, CACs recommended a change in the law or state policy once this represents 10% of the grievances filed.

**Advise the Court and the County Board** - *"Advise the court and the county board on the office of the friend of the court's and the friend of the court's duties and performance, and on the community's needs relating to the office's services."* MCL 552.504a(1)(c).

All of the reporting CACs communicated with the county boards through the submission of written reports or minutes of meetings. Two CACs submitted minutes and appeared at county commissioners' board meeting. One CAC submitted minutes and met with the court.

**Annual Report** - *"At the end of each calendar year, submit an annual report of activities to the county board, court, state court administrative office, governor's office, and standing senate and house committees, and appropriations subcommittees that are responsible for legislation concerning the judicial branch,"* MCL 552.504a(1)(d).

### **C. Problems Impeding Citizen advisory committee Efficiency**

**MCL 552.519 (3)(d)(iii) requires "an identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees and the satisfaction of the users of the committees' services."**

CACs were asked to identify problems that have impeded the efficiency of their

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functions, activities and satisfaction of the users. The following were noted as major issues and problems faced by active CACs:

- legislature's failure to act on funding issues;
- lack of grievances filed with the CAC that fall within statutory boundaries;
- lack of quorum/business;
- existing vacancies on the committee;
- members disillusioned because unable to perceive they are making a difference;
- no power to effect any change, advisory powers only
- no budget;
- no clerical or technical support; and
- MCR 3.218 difficult to implement. FOC files are often very large and impossible to view or copy in any coherent manner.

### Counties Who Did Not Submit Reports

<b><u>County</u></b>	<b><u>Formed CAC</u></b>	<b><u>Active CAC</u></b>	<b><u>Remarks/Comments by County Officials</u></b>
Alcona	No	No	Alcona County did not submit a report or comments.
Alger	No	No	Alger County did not submit a report or comments.
Allegan	No	No	Comment: "Our county never appointed a CAC."
Alpena	No	No	Alpena County did not submit a report or comments.
Antrim	No	No	Antrim County did not submit a report or comments.
Baraga	No	No	Comment: "Our county never appointed a Friend of the Court Citizen Advisory Committee."

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### Counties Who Did Not Submit Reports

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Barry	Yes	No	Barry County indicated that it appointed a CAC but it is not actively meeting.
Bay	No	No	Bay County did not submit a report or comments.
Benzie	Yes	No	Benzie County did not submit a report or comments.
Berrien	No	No	Berrien County did not submit a report or comments.
Branch	No	No	Branch County did not submit a report or comments.
Calhoun	No	No	Calhoun County did not submit a report or comments.
Cass	Yes	No	Cass County provided a letter from 1998, stated within that letter, "At the present time, the Friend of the Court Citizen Advisory Committee legislation appears to be an unfunded mandate."
Charlevoix	No	No	Charlevoix County did not submit a report or comments.
Cheboygan	No	No	Cheboygan County did not submit a report or comments.
Chippewa	No	No	Chippewa County did not submit a report or comments.
Clare	No	No	Clare County did not submit a report or comments.
Clinton	No	No	Clinton County did not submit a report or comments.

## Citizen Advisory Committee Supplement

### Counties Who Did Not Submit Reports

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Crawford	No	No	Crawford County did not submit a report or comments.
Delta	No	No	Comment: "In response to your correspondence of November 9, 2001, Delta County does not have a Citizen advisory committee in place at this time."
Dickinson	No	No	Dickinson County did not submit a report or comments.
Eaton	No	No	Eaton County did not submit a report or comments.
Emmet	Yes	No	Emmet County did not submit a report or comments.
Genesee	Yes	Yes	Genesee County did not submit a report or comments.
Gladwin	No	No	Gladwin County did not submit a report or comments.
Gogebic	No	No	Gogebic County did not submit a report or comments.
Grand Traverse	No	No	Grand Traverse County did not submit a report or comments.
Gratiot	No	No	Gratiot County did not submit a report or comments.
Hillsdale	No	No	Hillsdale County did not submit a report or comments.
Houghton	No	No	Houghton County did not submit a report or comments.
Huron	No	No	Huron County did not submit a report or comments.
Ingham	Yes	Yes	Ingham County did not submit a report or comments.



## Citizen Advisory Committee Supplement

### Counties Who Did Not Submit Reports

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Iosco	No	No	Iosco County did not submit a report or comments.
Iron	No	No	Iron County did not submit a report or comments.
Isabella	Yes	No	Isabella County did not submit a report or comments.
Kalkaska	No	No	Kalkaska County did not submit a report or comments.
Kent	Yes	Yes	Kent County did not submit a report or comments.
Keweenaw	No	No	Keweenaw County did not submit a report or comments.
Lake	No	No	Lake County did not submit a report or comments.
Lapeer	No	No	Lapeer County did not submit a report or comments.
Leelanau	No	No	Leelanau County did not submit a report or comments.
Lenawee	No	No	Lenawee County did not submit a report or comments.
Luce	No	No	Luce County did not submit a report or comments.
Mackinac	Yes	No	Comment: "Committee was disbanded -lack of activity."
Macomb	Yes	Yes	Macomb County did not submit a report or comments.
Manistee	No	No	Manistee County did not submit a report or comments.

## Citizen Advisory Committee Supplement

### Counties Who Did Not Submit Reports

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Marquette	No	No	Marquette County did not submit a report or comments.
Mason	Yes	No	Mason County did not submit a report or comments.
Mecosta	No	No	Mescota County did not submit a report or comments.
Menominee	No	No	Comment: "Menominee County never appointed a Citizen Advisory Committee."
Missaukee	No	No	Comment: "Missaukee County never appointed a Citizen Advisory Committee."
Monroe	Yes	No	Comment: "Our county formed a CAC but it did not meet in 2001."
Montcalm	Yes	Yes	Montcalm County did not submit a report or comments.
Montmorency	No	No	Montmorency County did not submit a report or comments.
Muskegon	No	No	Muskegon County did not submit a report or comments.
Newaygo	No	No	Newaygo County did not submit a report or comments.
Oakland	No	No	Oakland County did not submit a report or comments.

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### Counties Who Did Not Submit Reports

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Ogemaw	No	No	Comment: "Please be advised the County of Ogemaw has not appointed a Friend of the Court Citizen Advisory Committee. Our Board of Commissioners considers this an 'unfunded mandate' and, as such, will not pursue this matter until finding is provided."
Ontonagon	No	No	Comment: "At a recent meeting of the Ontonagon County Board of Commissioners, they went on record indicating that a Friend of the Court Citizen Advisory Committee has not been formed nor is there intent to form the Committee unless the State provides funding (Headlee Amendment) to pay for travel and per diem of these Committee Members."
Osceola	No	No	Osceola County never appointed a Citizen Advisory Committee.
Oscoda	No	No	Oscoda did not submit a report or comments.
Otsego	No	No	Otsego County did not submit a report or comments.
Ottawa	Yes	No	Comment:"It is now disbanded."
Presque Isle	No	No	Presque Isle County did not submit a report or comments.

## Citizen Advisory Committee Supplement

### Counties Who Did Not Submit Reports

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Roscommon	No	No	Comment: "Roscommon County has never appointed a Friend of the Court Citizen Advisory Committee. No funding!"
Sanilac	Yes	No	Sanilac County did not submit a report or comments.
Schoolcraft	No	No	Schoolcraft County never appointed a Citizen Advisory Committee.
Shiawassee	Yes	No	Shiawassee County did not submit a report or comments.
St. Clair	Yes	No	St. Clair County did not submit a report or comments.
St. Joseph	No	No	Comment: "St. Joseph County never appointed a Citizen Advisory Committee."
Tuscola	Yes	No	Tuscola County did not submit a report or comments.
Van Buren	Yes	No	Van Buren County did not submit a report or comments.
Washtenaw	Yes	Yes	Washtenaw County did not submit a report or comments.
Wayne	No	No	Wayne County did not submit a report or comments.
Wexford	Yes	No	Comment: "Our county formed a CAC, but it is not actively meeting."

## **Citizen Advisory Committee Supplement**

### **D. Conclusion**

When compared to 2000, there were five fewer CACs actively meeting; four fewer committees submitted reports; and no additional counties formed a CAC in 2001.

The State Court Administrative Office will continue to work with individual counties to provide technical assistance to establish committees and with the Michigan Association of Counties to facilitate implementation of legislation.

**Citizen Advisory Committee Supplement**

**Attachment A: SCAO Grievance Form**

Original - Friend of the court/Chief judge/  
Citizen Advisory Committee  
1st copy - Grieving party (with response)  
2nd copy - SCAO (with response)  
3rd copy - Grieving party (on filing)

Approved, SCAO

**STATE OF MICHIGAN  
JUDICIAL CIRCUIT  
COUNTY**

**FRIEND OF THE COURT GRIEVANCE**  
☐ **Friend of the Court**    ☐ **Chief Judge**  
☐ **Citizen Advisory Committee**

**THIS SPACE FOR COURT USE ONLY**  
**CASE NO.:**  
**GRIEVANCE NO.:**  
**DATE RECEIVED:**

Friend of the Court address

Telephone no.

Plaintiff's name and address

**v**

Defendant's name and address

County: \_\_\_\_\_ This grievance is about

- ☐ employee(s).
- ☐ office operations.
- ☐ a decision based on gender rather than the best interests of the child.

STATEMENT OF GRIEVANCE:

Date

Your telephone no.

Signature

SEE INSTRUCTIONS ON BACK OF FORM

**Citizen Advisory Committee Supplement**

**Attachment B: Statute Describing Grievance Process**



**MCL 552.526. Grievance procedure**

**Sec. 26.**

- (1) A party to a domestic relations matter who has a grievance concerning office operations or employees shall utilize the following grievance procedure:
  - (a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
  - (b) A party who is not satisfied with the decision of the office under subdivision (a), may file a further grievance, in writing, with the chief judge. The chief judge shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the court shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
- (2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than biannually to the bureau. Each office shall provide public access to the report of grievances prepared by the bureau under section 19.
- (3) In addition to the grievance procedure provided in subsection (1), a party to a domestic relations matter who has a grievance concerning office operations may file, at any time during the proceedings, the grievance in writing with the appropriate citizen advisory committee. In its discretion, the citizen advisory committee shall conduct a review or investigation of, or hold a formal or informal hearing on, a grievance submitted to the committee. The citizen advisory committee may delegate its responsibility under this subsection to subcommittees appointed as provided in section 4a.
- (4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.
- (5) The citizen advisory committee shall examine the grievances filed with the friend of the court under this section and shall review or investigate each grievance that alleges that a decision was made based on gender rather than the best interests of the child.
- (6) If a citizen advisory committee reviews or investigates a grievance, the committee shall respond to the grievance as soon as practicable.
- (7) A grievance filed under subsection (3) is limited to office operations, and the citizen advisory committee shall inform an individual who files with the committee a grievance that concerns an office employee or a court or office decision or recommendation regarding a specific case that such a matter is not a proper subject for a grievance.

**Citizen Advisory Committee Supplement**

**Attachment C: CAC Reporting Forms**

**CITIZEN ADVISORY COMMITTEE REPORT OF ACTIVITIES**

Citizen Advisory Committee _____ Circuit Court _____ County	Reporting Period January 1 - December 31 _____ Year Note: This report is due January 15 of each year	Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909
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**A. Regular Meetings MCL 552.504a(1)**1. Number

- ☐ Less than 6  
☐ 6  
☐ 7 to 12  
☐ 13 or more

2. Frequency

- ☐ weekly  
☐ bi-weekly  
☐ monthly  
☐ bi-monthly  
☐ other (specify)

3. Advice Given to County Board and Court

## a. Minutes:

- ☐ were submitted to county board after each meeting.  
☐ were not submitted to county board after each meeting. (Explain below)

## b. The court and county board were advised on the office of the friend of the court's duties and performance by: (Attach reports or summary of information)

Means of AdviceFrequency of Advice

- ☐ written reports .....  
☐ appearance at board meetings .....  
☐ meetings with court .....  
☐ other (specify) .....

**B. Investigation of Grievances**1. Party Request MCL 552.526(3) (Attach SCAO 28b)

- ☐ Informal hearings were held. Number of hearings held: \_\_\_\_\_  
☐ Formal hearings were held. Number of hearings held: \_\_\_\_\_  
☐ Subcommittee(s) were created to review grievances

2. Randomly Selected MCL 552.526(4) (Attach SCAO 28c) (Describe below the procedure for randomly selecting grievances)3. Decisions Allegedly Based on Gender Rather than Best Interests of the Child MCL 552.526(5) (Attach SCAO 28c)**C. Citizen Advisory Committee Functions**

## 1. List any services provided by the Citizen Advisory Committee not addressed in Parts A. and B. above.

## 2. The efficiency of the Citizen Advisory Committee's activities and functioning, and the satisfaction of users of the Committee's services, were impeded by the following problems: MCL 552.519(3)(d)(iii)

**CITIZEN ADVISORY COMMITTEE GRIEVANCE RECORD**  
(Grievances Filed Directly with Citizen Advisory Committee)

Citizen Advisory Committee _____ Circuit Court _____ County				Reporting Period January 1 - December 31 _____ Year Note: This report is due January 15 of each year		Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909											
Grievance no./ Case no.	Date Rec'd.	Date Resp'd.	Multiple Grievances	Types of Grievances Issues	Grievance Rejected	Evaluation	Recommendation	Codes									
								Multiple Grievances DG = Duplicate grievance SP = Same party, new grievance  Types of Issues Raised S = Support PT = Parenting Time C = Custody GB = Gender based decision O = Other  Grievances Rejected N = Not operations O = Other  Grievance Evaluation F = Agree with all of grievance P = Partially agree with grievance D = Disagree with all of grievance  Recommendation CO = Change local policy or operation CL = Change law or state policy									
Reporting Period Totals				DG	SP	S	PT	C	GB	O	N	O	F	P	D	CO	CL

Number of grievances filed: \_\_\_\_\_

Number of grievance responses pending: \_\_\_\_\_

Pending less than 30 days: \_\_\_\_\_

Pending over 30 days: \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

**CITIZEN ADVISORY COMMITTEE REVIEW OF FOC GRIEVANCES**  
(Grievances Reviewed by Citizen Advisory Committee: Random Selection / Gender Based Decisions)

Citizen Advisory Committee _____ Circuit Court _____ County		Reporting Period January 1 - December 31 _____ Year Note: This report is due January 15 of each year		Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909										
Grievance no. and Case no.	Reason for Evaluation	Multiple Grievances	Types of Issues	Evaluation	Codes									
					Reason for Evaluation R = Random selection GB = Gender based decision  Multiple Grievances DG = Duplicate grievance SP = Same party, new grievance  Types of Issues Raised S = Support PT = Parenting Time C = Custody O = Other  Grievance Evaluation F = Agree with FOC P = Partially agree with FOC D = Disagree with FOC GB = Find FOC decision based on gender									
Reporting Period Totals	R	GB	DG	SP	S	PT	C	O	F	P	D	GB		
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">M</td> <td style="width:50%; text-align: center;">F</td> </tr> </table>												M	F
	M	F												

**Citizen Advisory Committee Supplement**

**Attachment D:      Public Act 551 of 1998**

Act No. 551  
Public Acts of 1998  
Approved by the Governor  
January 19, 1999  
Filed with the Secretary of State  
January 22, 1999  
EFFECTIVE DATE: March 1, 1999

STATE OF MICHIGAN  
89TH LEGISLATURE  
REGULAR SESSION OF 1998

**Introduced by Senators Geake, Steil, Gougeon, Bouchard, Dingell, V. Smith, Peters and Shugars**

# **ENROLLED SENATE BILL No. 841**

AN ACT to amend 1982 PA 294, entitled "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts," (MCL 552.501 to 552.535) by adding sections 4b and 4c.

*The People of the State of Michigan enact:*

Sec. 4b. (1) Except as provided in subsections (2), (3), and (4), and under the chief judge's supervision, the office shall provide the citizen advisory committee with a grievance filed as provided in section 26 and access to records and information necessary for the committee to perform its functions as prescribed by this act, including the following:

(a) Case records and other information pertaining to the case of a party who has filed a grievance with the citizen advisory committee.

(b) Information regarding the procedures used by the office to carry out its responsibilities as defined by statute, court rule, or the bureau.

(c) Information regarding the administration of the office of the friend of the court office, including budget and personnel information.

(2) The following information shall not be provided to a citizen advisory committee:

(a) Information defined as confidential by supreme court rule.

(b) Case information subject to confidentiality or suppression by specific court order, unless the court that issued the order of confidentiality determines, after notice to the parties and an opportunity for response, that the requested information may be made available to the citizen advisory committee without impairing the rights of a party or the well-being of a child involved in the case.

(3) A citizen advisory committee shall be provided a judge's or referee's notes pertaining to a case only at the chief judge's express direction.

(4) A citizen advisory committee has access to records of a mediation session only if the court determines, after notice to the parties and an opportunity for a response, that access would not impair the rights of a party to the case or the well-being of a child involved in the case.

(5) Upon request of a citizen advisory committee and under the chief judge's supervision, the office shall annually provide the committee with information pertaining to a random sampling of grievances. If requested by the committee

and at the supreme court's direction, the state court administrative office shall assist the office in devising a statistically significant random sampling.

Sec. 4c. (1) A citizen advisory committee, its members, and its staff shall consider as confidential a record or other information to which they have access in order to perform their functions under this act and shall properly safeguard its use and disclosure.

(2) A person listed in subsection (1) who discloses a record or other information described in subsection (1) is guilty of a misdemeanor.

(3) A citizen advisory committee member's unauthorized disclosure of a record or information described in subsection (1) is grounds for removal from the committee.

(4) A committee staff member's unauthorized disclosure of a record or information described in subsection (1) is grounds for dismissal.

Enacting section 1. This amendatory act takes effect March 1, 1999.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate.

*Mary B. Ruffalo*

Clerk of the House of Representatives.

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor.



**Citizen Advisory Committee Supplement**

**Attachment E: Recommendation for Random Sample of Grievances**

Public Act 551 requires, upon request of citizen advisory committee and under the chief judge's supervision that the friend of the court shall annually provide the committee with information pertaining to a random sampling of grievances. If requested by the committee and at the supreme court's direction the state court administrative office shall assist the friends of the courts in devising a statistically significant random sampling. The State Court Administrative Office's recommends the following process for selection of grievances.

The selection of grievances should begin with the first grievance filed in January of each calendar year. Grievances should be maintained in the order they are received. Grievances should be selected based on the number filed the previous year.

The following is an example of the process for selection of grievances: The Friend of the Court received 21 to 30 grievances the previous year, the second grievance filed would be forwarded to the Citizens Advisory Committee and then every other grievance after that. This would result in 10-15 grievances would be forwarded to the Citizens Advisory Committee.

Any Friend of the Court who had 20 or fewer grievances filed, the Friend of the Court should forward to the CAC all of the grievances.

21 to 30 grievances filed from the previous year, the Friend of the Court should forward to the CAC every other grievance so that 10 to 15 grievances are reviewed.

31 to 45 grievances filed from the previous year, the Friend of the Court should forward to the CAC every third grievance so that 10 to 15 grievances are reviewed.

46 to 60 grievances filed from the previous year, the Friend of the Court should forward to the CAC should review every fourth grievance so that 10 to 15 grievances are reviewed.

61 to 75 grievances filed from the previous year, the Friend of the Court should forward to the CAC every fifth grievance so that 10 to 15 grievances are reviewed.

76 to 100 grievances filed from the previous year, the Friend of the Court should forward to the CAC every 7<sup>th</sup> grievance so that 10 to 15 grievances are reviewed.

101 or more grievances are filed from the previous year, the Friend of the Court should forward to the CAC every 10<sup>th</sup> grievance so that 10% grievances are reviewed.

Once the friend of the court randomly selects a grievance and response, and any other information requested by the Citizens Advisory Committee it should be copied, logged with the litigant's names, case number, date and the name of the Citizen Advisory Committee member it was forwarded to with the envelope marked "CONFIDENTIAL".

**Citizen Advisory Committee Supplement**

**Attachment F: Amended Michigan Court Rule 3.218**

# Order

Michigan Supreme Court  
Lansing, Michigan

Entered: December 8, 2000

Elizabeth A. Weaver,  
Chief Justice

Michael F. Cavanagh  
Marilyn Kelly  
Clifford W. Taylor  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

99-61

Amendments of  
Rule 3.218 of the  
Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 3.218 of the Michigan Court Rules are adopted, to be effective April 1, 2001.

[The present language is amended as indicated below.]

## **Rule 3.218      Access to Friend of the Court Records**

- (A) General Definitions. When used in this subrule, unless the context indicates otherwise,
  - (1) "records" means paper files, computer files, microfilm, microfiche, audio tape, video tape, and photographs;
  - (2) "access" means inspection of records, obtaining copies of records upon receipt of payment for costs of reproduction, and oral transmission by staff of information contained in friend of the court records;
  - (3) "confidential information" means
    - (a) staff notes from investigations, mediation sessions, and settlement conferences;
    - (b) ~~Department of Social Services~~ Family Independence Agency protective services reports;

- (c) formal mediation records;
  - (d) communications from minors;
  - (e) friend of the court grievances filed by the opposing party and the responses;
  - (f) a party's address or any other information if release is prohibited by a court order; ~~and~~
  - (g) except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency subject to the express written condition that it remain confidential; and
  - (gh) all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 et seq.
- (B) A party, third-party custodian, guardian, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to friend of the court records related to the case, other than confidential information.
- (C) A citizen advisory committee established under the Friend of the Court Act, MCL 552.501 et seq.; MSA 25.176(1) et seq.,
- (1) shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information;
  - (2) may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

When a citizen advisory committee requests information that may be confidential, the friend of the court shall notify the parties of the request and that they have 14 days from the date the notice was mailed to file a written response with the court. If the court grants access to the

information, it may impose such terms and conditions as it determines are appropriate to protect the rights of a party or the well-being of a child.

- (~~CD~~) Protective services personnel from the ~~Department of Social Services~~ Family Independence Agency must be given access to friend of the court records related to the investigation of alleged abuse and neglect.
- (~~DE~~) The prosecuting attorney and personnel from the Office of Child Support and the ~~Department of Social Services~~ Family Independence Agency must be given access to friend of the court records required to perform the functions required by title IV, part D of the Social Security Act, 42 USC 651 et seq.
- (~~EF~~) Auditors from state and federal agencies must be given access to friend of the court records required to perform their audit functions.
- (~~FG~~) Any person who is denied access to friend of the court records or confidential information may file a motion for an order of access with the judge assigned to the case or, if none, the chief judge.
- (~~GH~~) A court, by administrative order adopted pursuant to MCR 8.112(B), may make reasonable regulations necessary to protect friend of the court records and to prevent excessive and unreasonable interference with the discharge of friend of the court functions.

Staff Comment: The December 7, 2000 amendments of MCR 3.218, effective April 1, 2001, are consistent with changes made effective March 1, 1999, to the Child Custody Act, MCL 722.21 et seq.; MSA 25.312(1) et seq., and the Friend of the Court Act, MCL 552.501 et seq.; MSA 25.176(1) et seq.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 8, 2000

Corbin R. Davis

Clerk